

CH

No. 09 C 4503

MEMORANDUM OPINION AND ORDER

\$1915A(b) (1) calls for dismissal.

possible relief) are subject to a two-year statute of

<sup>1</sup> Actually Powell has not completed the Motion properly, for he has omitted its most critical information: the recital of any efforts that he has made on his own to obtain a lawyer to represent him.

limitations. In this instance the conduct ascribed to City of Chicago police officers and Illinois Department of Corrections parole agents took place on July 7, 2007, more than two years before Powell filed suit.

As for the post-mid-July events that Powell recounts, neither the September 12, 2007 indictment brought against him nor his conviction on those charges implicates a constitutional violation. Indeed, Powell's assertion of an alleged conspiracy (and worse) on the part of a state court judge is barred by the principle of judicial immunity, while his similar charge against the public defender who represented Powell does not involve conduct by a "state actor" under Supreme Court doctrine, so that federal subject matter jurisdiction is absent.

Accordingly, as stated at the outset, both Powell's Complaint and this action are dismissed. Under the circumstances both the Application and the Motion are denied as moot, and other deficiencies in Powell's submissions will simply be ignored as moot as well.



---

Milton I. Shadur  
Senior United States District Judge

Date: July 29, 2009